

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CONTEMPT PETITION NO. 4 OF 2006

IN

WRIT PETITION NO.3182 OF 2004

Brihanmumbai Municipal Corporation ...Petitioner
(Org.Petitioner)

Versus

Mr. Anil Laxman Karpe ..Respondent
(Org.Respondent)

Mr. H.Toor i/b. Crawford Bayley & Co. for the
petitioner.

Mr. M.R.Deshpande for Respondent.

CORAM: S.K.SHAH, J.

DATE : 13th October, 2006.

P.C.

1. The order of which contempt is alleged is dated 12.1.2005 where the Respondent tendered an undertaking who was personally present in the Court, that the Respondent shall without prejudice to his rights and contentions in Application (BIR) No.48 of 2002 before the Labour Court, vacate and hand over peaceful possession of the staff quarters on or before 30th June, 2005 and shall pay the arrears of rent within a period

of 15 days and compensation as and when it falls due. The said undertaking was accepted. However, the Respondent did not vacate and did not pay the arrears. Therefore, the Contempt Petition was filed.

2. During the pendency of the Contempt Petition, the Respondent has now handed over possession of the premises to the petitioner and has also paid Rs.65,000/- to the petitioner out of the arrears which are exceeding Rs.1 lakh. There has been substantial compliance of the order, though belatedly.

3. The Respondent has filed an affidavit tendering unconditional apology for delaying on complying with the order. The apology is accepted. I do not think it is just to take action against the Respondent for having committed contempt as there was difficulty in getting accommodation in Mumbai.

4. The Show Cause Notice stands discharged. The Contempt Petition is disposed of.

(S.K.SHAH, J.)